

**EFFECTIVE AS A
FINAL ORDER**

DATE: 11/15/13

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

FILED
SEP 24 2013
KS State Board of Healing Arts

In the Matter of)

KAREN C. LESPERANCE, L.R.T.)
Kansas License No. 22-00980)

Docket No. 14-HA 00046

SUMMARY ORDER

NOW ON THIS 23rd day of Sept, 2013, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

Findings of Fact

1. Karen C. Lesperance, L.R.T. ("Licensee") was originally issued license number 22-00980 to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes on October 6, 2005. Licensee's current license designation is active, and such license was last renewed on or about September 26, 2012.
2. Licensee's last known mailing address as provided to the Board is **Confidential**
Topeka, Kansas 66611.
3. **Confidential**

Confidential

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11. Licensee was terminated from her employment as a radiologic technologist by a

healthcare facility **Confidential**

12. All pending investigation materials in Investigation No. 13-00216 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel #28. Disciplinary Panel #28 authorized and directed the issuance of this Summary Order and the specific sanctions herein pursuant to the Board Guidelines.

Applicable Law

13. K.S.A. 65-7313(a) of the Kansas Radiologic Technologists Practice Act states in pertinent part:

The license of a radiologic technologist may be limited, suspended or revoked, or the licensee may be censured, reprimanded, fined pursuant to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by the board . . . if it is found that the licensee . . . :

- (6) has undertaken or engaged in any practice beyond the scope of duties permitted a licensee;
- (8) has been found guilty of unprofessional conduct under criteria which the board may establish by rules and regulations.

14. K.A.R. 100-73-6 states in pertinent part:

“Unprofessional conduct” shall mean the commission of any of the following by . . . a licensee:

- (d) being sanctioned or disciplined by a peer review committee, or a medical care facility for acts or conduct that would constitute grounds for denial, limitation, suspension, or revocation of a license under K.S.A. 65-7313 and amendments thereto;
- (h) committing conduct likely to deceive, defraud, or harm the public.

Conclusions of Law

15. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

16. The Board finds that Licensee violated K.S.A. 65-7313(a)(6), as further defined by K.A.R. 100-73-6(h),

Confidential

Confidential

17. The Board further finds that Licensee violated K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(d), by being terminated from employment at Lawrence Memorial

Confidential
Hospital

18. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Karen C. Lesperance, L.R.T.

IT IS, THEREFORE, ORDERED that Licensee's license is hereby **SUSPENDED FOR A PERIOD OF THIRTY (30) DAYS FROM THE FILING DATE OF THE FINAL ORDER**. The suspension will remain in effect for thirty continuous days, in which Licensee is prohibited from practicing radiologic technology in the State of Kansas

IT IS FURTHER ORDERED that Licensee successfully complete at Licensee's own expense, **TEN (10) ADDITIONAL CONTINUING EDUCATION HOURS IN ETHICS**. Such additional continuing education must be in person, and Licensee shall submit proof of successful completion of these additional hours no later than March 31, 2014.

IT IS FURTHER ORDERED that Licensee's license is hereby **PUBLICLY CENSURED**.

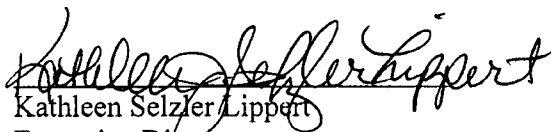
NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson Lower Level, Suite A, Topeka, KS 66612.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 23rd day of Sept, 2013.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 11th day of Nov., 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Karen C. Lesperance, L.R.T.
Confidential
Topeka, Kansas 66611

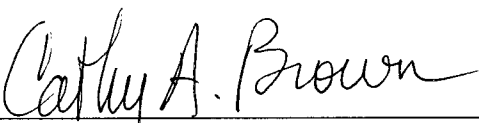
And a copy was hand-delivered to:

Seth Brackman, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant